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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,194	11/13/2001	Srinivas Gutta	US010571	3031

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
LONSBERRY, HUNTER B	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/014,194	BEARDEN, BRIAN S.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10 and 12-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10 and 12-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-7, 10, 12-16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. Pub. 2002/0174429 to Gutta in view of U.S. Patent 5,790,935 to Payton.

Regarding Claim 1, *Gutta et al* disclose a method for generating recommendation scores, which obtains scores from various program recommenders and generates a 3rd party recommendation score in order to facilitate programming selection for a user. (Abstract; Par. [0016]).

Gutta fails to generate a user recommendation score for at least one of said available items that reflects a history of selecting said one or more items by said user

and calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score.

Payton discloses a recommendation list 58 which is generated based upon ratings of programs (scores) that have been previously requested by a first user (column 5, lines 6-21, column 6, lines 26-40), a collaborative filter is utilized to calculate and adjusted recommendation score for a first user based upon a third party recommendation score by a user with similar interests, for items which have not yet been viewed by a user and these items are added to the lists of recommended items (figures 6-7b, column 8, line 50-column 9, line 61, the user's score for each unrated item is adjusted so that there is a score for each unrated item), thus expanding viewing selections for a first user to include items they might find interesting based upon viewers with similar interests. Further the Examiner notes, that the claim language does not require the same item to be rated by both the first user and third user.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Gutta to utilize the first user scores, calculation of scores, and expansion of recommended items as taught by Payton for the advantage of expanding viewing selections for a first user to include items they might find interesting based upon viewers with similar interests. Further the Examiner notes, that the claim language does not require the same item to be rated by both the first user and third user.

Claims 10 and 19 correspond to Claim 1. Thus, each is analyzed and rejected as previously discussed.

Regarding claim 3, in order for the system of Gupta to generate a combined recommendation based upon other third party viewing histories, it must somehow "average" the viewing habits of said third parties.

Claim 12 corresponds to Claim 3. Thus, it is analyzed and rejected as previously discussed.

As to Claims 4 and 13, *Gutta* further teaches the use of a remote recommender. (citations of Claim 1).

Regarding claims 5 and 14, Payton is relied upon to teach that the third party recommendation includes an indication of whether said corresponding recommended item was selected by said third party (column 5, lines 6-45, column 6, lines 36-40). The user has to have used the item before recommending a score, thus indicating the item was selected.

As to Claims 6 and 15, *Gutta* further teaches the recommended items can be programs. (citations of Claim 1).

As to Claims 7 and 16, *Gutta* further teaches the recommended items can be "content" (i.e., programs can be broadly interpreted as "content"). (citations of Claim 6). Accordingly, *Gutta et al* anticipate each and every limitation of Claim 7.

3. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. Pub. 2002/0174429 to Gutta in view of U.S. Patent 5,790,935 to Payton in further view of U.S,. Patent 5,754,939 to Herz.

Regarding claims 8 and 17, the combination of Gutta and Payton discloses a recommendation list, which rates a variety of programs.

The combination of Gutta and Payton fails to disclose rating products.

Within the same field of endeavor, *Herz et al* disclose a similar system, which also provides products. (Col. 6, Ln. 34-Col. 7, Ln. 10), thus enabling a user to take advantage of learning more about various products and services and providing an additional revenue stream for programming providers.

Accordingly, it would have been obvious to one having ordinary skill in this art at the time of Applicant's invention to modify the combination of Gutta and Payton with the shopping features of Herz in order to provide a system with more user interactive services in order to allow a user to learn more about various products and services and providing an additional revenue stream for programming providers.

4. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. Pub. 2002/0174429 to Gutta in view of U.S. Patent 5,790,935 to Payton in further view of U.S. Patent 6,637,029 to Maissel.

Regarding claims 9 and 18, the combination of Gutta and Payton discloses a recommendation list, which incorporates the ratings of third users.

The combination of Gutta and Payton fails to disclose that the third party is a selected individual.

Maissel further teaches a user can select whether he or she desires critic recommendations to be included. (Col. 12, Ln. 46-Col. 13, Ln. 9), thus providing flexibility to the user by allowing the user to select the views of critics which match their tastes.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Gutta and Payton to include the selection of third parties as taught by Maissel for the advantage of allowing users to select recommendations, which match their tastes.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600